

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

UNITED STATES OF AMERICA,

v.

WARREN DANIEL CLINTON,

Defendant.

Criminal No. 7:01-cr-17 (HL)

ORDER

Before the Court is Defendant Warren Daniel Clinton's Motion to Dismiss (Doc. 36). In his Motion, Mr. Clinton writes that under Federal Rules of Civil Procedure 17 and 25, the case against him should be dismissed based on a "suggestion of death." Mr. Clinton, who submitted two letters claiming a "suggestion of death" in February 2011 and March 2011, seems to claim in his Motion that he is not the proper party to this case, and thus, the case against him should be dismissed.

Despite Mr. Clinton's arguments, his Motion to Dismiss is denied. The arguments in his Motion are based on the Federal Rules of Civil Procedure, which have no applicability in the criminal case against him. A suggestion of death is appropriate in a civil case when a party to the lawsuit has died. See FED. R. CIV. P. 25(a). The Rule does not apply to this case. Even if the Rule were applicable, Mr. Clinton cannot claim a "suggestion of death," as he is evidently

alive and able to submit motions to the Court. Death is not a factor to be considered in this case.

The Court sees no reason to disturb the sentence currently being served by Mr. Clinton.¹ The Motion to Dismiss is denied.

SO ORDERED, this 20th day of June, 2012.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

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¹ In 2001, Mr. Clinton pled guilty to threatening to use a weapon of mass destruction, in violation of 18 U.S.C. § 2332a(a)(2), and in 2002, he pled guilty to bank robbery, in violation of 18 U.S.C. § 2113(a). He is currently serving his sentence at the United States penitentiary in Florence, Colorado.